

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WALTER K. DENNIS,

Petitioner,

v.

THE STATE OF WASHINGTON,

Responden,.

Case No. C06-5575RBL

ORDER TO AMEND

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254 (Dkt. # 1). Petitioner names the State of Washington as respondent. 28 U.S.C. § 2243 indicates that writs are to be directed "to the person having custody of the person detained". This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). The petitioner is housed at the Washington State Penitentiary in

ORDER

1 Walla Walla. The superintendent of that facility is the proper respondent. Further, in submitting his  
2 petition petitioner left out several pages of the normal form that address post conviction relief (Dkt.  
3 # 1 missing pages 9-11).

4 The clerk is directed to send petitioner a new habeas corpus form. Petitioner is ordered to file  
5 an amended petition ,and petitioner must name the superintendent of the facility where he is  
6 incarcerated. Petitioner is directed to return the entire form and not omit pages. The new petition  
7 must be filed on or before **December 22nd, 2006** or the court will recommend dismissal of this  
8 petition on jurisdictional grounds.

9 The clerk is ordered to send copies of this order and the form to the petitioner and to note  
10 this matter for the **December 22nd, 2006** calendar.

11  
12 DATED this 20<sup>th</sup> day of November, 2006.

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14 /S/ J. Kelley Arnold  
15 J. Kelley Arnold  
16 United States Magistrate Judge  
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28 ORDER